

# State of South Dakota

## EIGHTY-FOURTH SESSION LEGISLATIVE ASSEMBLY, 2009

744Q0579

### HOUSE BILL NO. 1212

Introduced by: Representatives Turbiville, Brunner, Elliott, Frerichs, Greenfield, Hunt, Kirkeby, Kirschman, Krebs, Lucas, McLaughlin, Nygaard, Olson (Ryan), Solum, and Verchio and Senators Miles, Abdallah, Adelstein, Bartling, Bradford, Dempster, Gant, Hanson (Gary), Maher, Peterson, and Vehle

1 FOR AN ACT ENTITLED, An Act to revise certain requirements of written contract  
2 documents for public improvements.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 5-18-11 be amended to read as follows:

5 5-18-11. All contracts shall be made and set forth in writing and shall be signed on behalf  
6 of the public corporation by the proper officials and with the formalities required by the  
7 governing statutes regulating the particular public corporation involved. The writing shall  
8 embody all of the terms ~~and~~ conditions, and agreements of the contract. If a contract is based  
9 upon plans and specifications prepared by an architect or engineer, its terms and conditions shall  
10 comply with the provisions provided in the "General Conditions of the Contract for  
11 Construction", Fourteenth Edition, by the American Institute of Architects in effect on January  
12 1, 1995, the "ConsensusDOCS 200 Standard Agreement and General Conditions Between  
13 Owner and Contractor," by the Associated General Contractors of America in effect January 1,  
14 2009, or the "Standard General Conditions of the Construction Contract," 1990 Edition, by the



1 Engineer's Joint Contract Documents Committee, in effect January 1, 1996, except when in  
2 conflict with the laws of this state. However, the public corporation may modify or delete any  
3 portion of the "General Conditions of the Contract for Construction," "ConsensusDOCS 200  
4 Standard Agreement and General Conditions Between Owner and Contractor," or the "Standard  
5 General Conditions of the Construction Contract."